

DOCKET NO.: MSFT 6593/158452.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Walter J. Kennamer, Christopher L. Weider,
Brian E. Tschumper

Confirmation No.: 9560

Application No.: 09/681,309

Group Art Unit: 2157

Filing Date: March 16, 2001

Examiner: Gregory G. Todd

For: Failover of Servers Over which Data is Partitioned

DATE OF DEPOSIT: January 31, 2006

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.



TYPED NAME: Thomas E. Watson
REGISTRATION NO.: 43,243

☐ MS Amendment ☐ MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated December 16, 2005.
- ☐ An Amendment Supplemental to the Paper filed .
- ☐ A Substitute Specification (pages 1 -) in clean form.
- ☐ A substitute specification (pages 1 -) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures .
- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.

- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.
 - ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
 - ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Assignee Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
 - ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ A Terminal Disclaimer is attached.
- ☐ Appendices as follows:
- ☐ Other

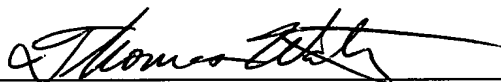
- ☒ **No Additional Fee is Due.**
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	21	21 (20 MINIMUM)	0	\$25 EACH	\$	\$50 EACH	\$ 0.00
INDEP. CLAIMS	5	5 (3 MINIMUM)	0	\$100 EACH	\$	\$200 EACH	\$ 0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$180	\$	\$360	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$60	\$	\$120	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$225	\$	\$450	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$510	\$	\$1020	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$795	\$	\$1590	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1080	\$	\$2160	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$65	\$	\$130	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$		\$ 0.00

- ☐ A check in the amount of \$ _____.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of _____.00. This sheet is attached in duplicate.
- ☒ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of _____ to and through comprising an extension of the shortened statutory period of _____ month(s).

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: January 31, 2006



Thomas E. Watson
Registration No. 43,243

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

© 2006 WW

DOCKET NO.: MSFT-0593/158452.01
Application No.: 09/681,309
Office Action Dated: December 16, 2005



PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Walter J. Kennamer, Christopher L. Weider,
Brian E. Tschumper**

Confirmation No.: **9560**

Application No.: **09/681,309**

Group Art Unit: **2157**

Filing Date: **March 16, 2001**

Examiner: **Gregory G. Todd**

For: **Failover of Servers Over which Data is Partitioned**

DATE OF DEPOSIT: January 31, 2006

I HEREBY CERTIFY THAT THIS PAPER IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID,
ON THE DATE INDICATED ABOVE AND IS
ADDRESSED TO THE COMMISSIONER FOR PATENTS,
P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

A handwritten signature in black ink, appearing to read "Thomas E. Watson", written over a horizontal line.

TYPED NAME: Thomas E. Watson
REGISTRATION NO.: 43,243

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY PURSUANT TO 37 CFR § 1.116

In response to the Official Action dated **December 16, 2005**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ **Amendments to the Specification** begin on page _____ of this paper.
- ☒ **Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.
- ☐ **Amendments to the Drawings** begin on page _____ of this paper and include an attached replacement sheet.
- ☒ **Remarks** begin on page 7 of this paper.